UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

FREEDOM FROM RELIGION	§	
FOUNDATION, INC.	§	
Plaintiff,	§	
	§	
-VS-	§	CASE NO. 1-16-CV-00233-SS
	§	
GOVERNOR GREG ABBOTT, in his	§	
official and individual capacities, and	§	
JOHN SNEED, Executive Director of the	§	
Texas State Preservation Board, in his	§	
official and individual capacities,	§	
Defendants.	8	

UNOPPOSED MOTION TO EXTEND PLAINTIFF'S TIME TO RESPOND TO DEFENDANTS' 12(b) MOTION TO DISMISS

Plaintiff Freedom From Religion Foundation, Inc. ("FFRF") hereby files this Unopposed Motion to Extend Time to Respond to Defendants' Motion to Dismiss Original Complaint Under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) [Doc. #10], filed by Defendants Governor Greg Abbott and Executive Director of Texas State Preservation Board John Sneed, in their individual and official capacities, as follows:

- 1. Defendants filed their Motion to Dismiss Original Complaint Under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) on April 1, 2016. FFRF was served that same day through the Court's electronic notification system. FFRF's response is due to be filed with the Court on April 15, 2016. Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), FFRF asks this Court to extend the deadline to file its response by fourteen days to April 29, 2016 to allow it additional time to properly respond to Defendants'12(b) Motion.
- 2. This request for an extension of time is not made for purposes of delay but so that justice may be served.

3. Daniel H. Byrne, counsel for FFRF, has conferred with Defendants' counsel, Anna Mackin, who confirmed that Defendants do not oppose the relief sought therein.

WHEREFORE, FFRF respectfully requests that the Court order that the deadline for FFRF to respond to Defendants' 12(b) Motion to Dismiss be extended until April 29, 2016, and that the Court grant such other and further relief to which they may be justly entitled.

Respectfully submitted,

FRITZ, BYRNE, HEAD & FITZPATRICK, PLLC 221 West 6th Street, Suite 960 Austin, Texas 78701

Telephone: 512-476-2020 Telecopier: 512-477-5267

BY: /s/ Daniel H. Byrne

Daniel H. Byrne

Texas State Bar No. 03565600 Email: dbyrne@fbhf.com Lessie G. Fitzpatrick

Texas State Bar No. 24012630 Email: lfitzpatrick@fbhf.com

Richard L. Bolton

Wisconsin State Bar No. 1012552 Email: <u>rbolton@boardmanclark.com</u> BOARDMAN AND CLARK, LLP 1 S. Pinckney St., Suite 410

Madison, Wisconsin 53703-4256

Telephone: 608-257-9521 Telecopier: 608-283-1709 Sam Grover

Wisconsin State Bar No. 1096047

Email: sgrover@ffrf.org

Patrick Elliott

Wisconsin State Bar No. 1074300

Email: pelliott@ffrf.org

FREEDOM FROM RELIGION FOUNDATION,

INC.

P. O. Box 750

Madison, Wisconsin 53701 Telephone: 608-256-8900 Telecopier: 608-204-0422

ATTORNEYS FOR PLAINTIFF FREEDOM FROM RELIGION FOUNDATION, INC.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was filed electronically via the Court's CM/ECF system on this the 6th day of April, 2016, which will send notification to the following:

Anna Marie Mackin Austin R. Nimocks Brantley Starr Office of the Attorney General P.O. Box 12548, Capitol Station Austin, TX 78701

Telephone: (512) 475-4080 Telecopier: (512) 320-0667

Email: Anna.mackin@texasattorneygeneral.gov
Email: Austin.nimocks@texasattorneygeneral.gov
Email: Brantley.starr@texasattorneygeneral.gov

/s/ Daniel H. Byrne Daniel H. Byrne